IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12062 of 2004

Between:

Pusapati Hanuma Reddy, S/o Yellamanda Reddy, Aged 40 years,
R/o Kotikalapudi Village of Addanki Mandal, Prakasam District.

... PETITIONER

AND

1. The Revenue Divisional Officer, Ongole, Prakasam District
2. The Mandal Revenue Officer, Addanki Mandal, Prakasam District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not issuing the pattedar pass book and title deeds in respect of the land bearing Sy.No.219/3 admeasuring Ac.7-37 cents situated at Konikalapudi Village, Darsi Mandal, Prakasam District, as illegal, arbitrary and against to the principles of natural justice and to consequently direct the respondents to issue the same.

Counsel for the Petitioner: MR. V. R. MACHAVARAM

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The writ petition is filed seeking direction to the respondents to issue pattedar passbook and title deed in favour of the petitioner for the share of property derived to him by virtue of partition deed dated 15.10.1993.

The case of the petitioner is that he is the absolute owner of Ac.7.37 cents of land situated in Survey No.219/3 of Konikalapudi Village, Darsi Mandal, Prakasam District, having succeeded by virtue of an unregistered partition deed dated 15.10.1993 and that since the respondents did not issue pattedar pass book and title deed in spite of his repeated requests, he got issued legal notice dated 10.6.2004 to the respondents in vain. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Inasmuch as the petitioner is claiming to have derived the property by virtue of partition deed dated 15.10.1993, and having regard to the fact that the respondents in spite of receiving the legal notice dated
10-6-2004 got issued by the petitioner, failed to respond, without going into merits of the writ petition, I deem it proper to dispose of the writ petition with following directions:

The petitioner shall submit a fresh application to the first respondent for issuance of Pattedar passbook and title deed in respect of the share of property, which he claims to have derived under a partition deed dated 15.10.1993. If any such application is filed, the first respondent shall consider and dispose of the same in accordance with law, and pass appropriate orders thereon, expeditiously.

With the above directions, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date : July 14, 2004.

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional Officer,
Ongole, Prakasam District.
2. The Mandal Revenue Officer,
Addanki Mandal, Prakasam District.

3. Two C Cs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad. (O.U.T)

4. Two C D copies.